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Applicants Docket Number:  
**DEAV2001-0004 US NP**

Applicants:  
**STROBEL et al.**

Serial No.  
**10/073,160**

Filing Date:  
**February 13, 2002**

Title of Invention:  
**Acyalted Indanyl Amines and Their Use as Pharmaceuticals**

**CERTIFICATE OF TRANSMISSION**

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Attorney: **George Wang**

Group Art Unit: **1626**

Examiner: **Kamal A Saeed**

TO:

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Aventis Pharmaceuticals Inc., Route 202-206, P.O. Box 6800, Bridgewater, New Jersey 08807, U.S.A. [www.aventis.com](http://www.aventis.com)

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Aventis Pharmaceuticals Inc. template (March 2001)

JUN 25 2004

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of  
**STROBEL et al.**

Examiner: Kamal A Saeed

Application No.: 10/073,160

Art Unit: 1626

Filed: February 13, 2002

TELEFAX CERTIFICATE

Title: **Acylated Indanyl Amines and Their Use  
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**OFFICIAL****RESPONSE TO OFFICE ACTION**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

The following remarks are submitted in response to the Office Action mailed February 25, 2004. Applicants respectfully submit that the Examiner's objection of claims 1-6, 21 and 22 as containing non-elected subject matter is improper and should be withdrawn.

**REMARKS**

The Examiner divided the present application into three groups (Group I, II and III) and requested applicants to elect one group for further examination. Pursuant to this request, applicant elected Group I (claims 1-6, 21 and 22), drawn to compounds of Formula I defined in claim 1. The Examiner further stated that "claim 1 is generic to a plurality of disclosed patentably distinct species ...." and thus required Applicants to provisionally elect a single species for initial examination of Group I. Following applicant's election of a single species (2,2-difluoro-benzo[1,3]dioxol-5-carboxylic acid indan-2-ylamide), the Examiner arbitrarily picked a number of species from the claims as selected subject matter and treated the remaining species as non-selected subject matter. It was on that basis that the pending claims were objected to for containing non-selected subject matter.